

FOOD STAMP PROGRAM REQUEST FOR REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. Retain a copy of the FS 24 for your records. For counties asking for policy interpretations, submit the question directly to a FRAT representative via e-mail. For other organizations (e.g., Quality Control, Administrative Law Judges), submit questions directly to the Food Stamp Policy Implementation Unit or Employment and Special Projects Unit representative via e-mail.

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input checked="" type="checkbox"/> Fair Hearing <input type="checkbox"/> Immediate Need/Emergency Services <input type="checkbox"/> Other:	5. DATE OF REQUEST: October 15, 2012	NEED RESPONSE BY: October 31, 2012
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: Los Angeles County	
3. PHONE NO.:	7. SUBJECT: Transitional CalFresh Benefits	
4. REGULATION CITE(S): 63-401.2; 63-402.142; 63-402.15; 63-102o.(1)	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACIN I-21-04, ACIN I-72-04; ACIN I-75-05; 63-401.2; 63-402.142; 63-402.15; 63-102o.(1)	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

The claimant has court documents showing legal custody as of August 3, 2012. The claimant's two daughters went to live with him on August 15, 2012. The claimant testified that he tried to apply for benefits on August 16th, but was instructed to wait until September 1, 2012 because the benefits for his daughters were already issued for the month to the mother.

The county has documentation that on August 20, 2012 the county received the court documents granting custody to the claimant. The county took action to discontinue the mother's CW benefits effective August 31, 2012 and initiated Transitional Food Stamps for the mother and 2 daughters. The county does not dispute that the daughters went to live with claimant in August 2012.

The claimant applied for CalFresh benefits for himself and his 2 daughters on 9/6/12. The county approved his 9/6/12 CalFresh application but will not aid his daughters until 10/1/12 because the county gave Transitional CalFresh benefits to the girls' mother for the month of September.

10. REQUESTOR'S PROPOSED ANSWER:

Generally, when a person is receiving Transitional Food Stamps in a Transitional Food Stamps household and that person applies for CalFresh benefits in another household, then the person should not be removed from the Transitional Food Stamps household until he is approved for benefits in the new household. This rule is meant to prevent interruption in CalFresh benefits.

However, state regulations generally provide that minor children living with their parents must be included in the parent's household. It is undisputed that the claimant's daughters were living with him effective August 15, 2012. Therefore, the claimant's daughters are eligible to receive CalFresh benefits as part of the claimant's household effective September 6, 2012, the date of the application for benefits.

Individuals cannot receive CalFresh benefits in more than one household in any given month. If CalFresh benefits were incorrectly

11. FRAT RESPONSE TO COUNTY QUESTION:

12. STATE POLICY RESPONSE (FSPIU USE ONLY):

MPP 63-504.2 requires adequate and timely notice be provided to households whose benefits are being reduced (see MPP 63-504.261). MPP 63-504.132(c) specifies that if a person leaves the household and is approved for benefits in another food stamp household then that person's allotment would be removed from the household and the transitional food stamp benefit amount would be adjusted.

Noticing requirements mandate a minimum 10 day notice be provided to the mother to inform her of a reduction in benefits.

The daughters, having received benefits as part of the mother's household for the month of September, are eligible to receive benefits as part of the father's household effective October 1.

FOR FRAT USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY:	DATE FORWARDED TO STATE:
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9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY): (Continued)

The claimant applied for CalFresh benefits for himself and his 2 daughters on 9/6/12. The county approved his 9/6/12 CalFresh application but will not aid his daughters until 10/1/12 because the county gave Transitional CalFresh benefits to the girls' mother for the mother and the 2 girls. The county claims that it cannot aid the claimant because "no individual may participate as a member of more than one household." The county also argues that per ACIN I-75-05, the daughters could not be removed from the mother's Transitional Food Stamp household until they are approved for benefits in a new household--even though the daughters were no longer living with the mother when the Transitional Food Stamps were issued to the mother in September 2012.

10. REQUESTOR'S PROPOSED ANSWER:): (Continued)

Individuals cannot receive CalFresh benefits in more than one household in any given month. If CalFresh benefits were incorrectly issued to the mother, then the county's recourse is to assess a CalFresh overissuance against the mother for September 2012.